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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,437

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Keith A. Riha

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09/08/2008

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EXAMINER

DANIELS, MATTHEW J

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

09/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/033,437	Applicant(s) RIHA ET AL.	
	Examiner MATTHEW J. DANIELS	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/23/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 June 2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Filion (US 5,952,630) in view of Linzmeier (WO 9530546, and English equivalent 6,214,917, from which citations are given). Filion incorporates by reference US 5,340,149 at col. 4, line 1, US 5,232,957 at column 6, lines 1-7, and US 5,448,028 at column 6, lines 15-16. **As to Claim 1**, Filion teaches a method of making a skin for a vehicle trim panel consisting of:

providing a deformable polymer skin layer by casting (5:55) a material which may be a polyurethane (US 5,448,028 at 3:10);

providing a substrate layer (22b);

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providing a foam bonded directly to the substrate layer and to the skin (Fig. 5, item 26b”), which may be polyurethane (US 5,232,957, abstract);

providing one or more switches embedded in the foam layer and underlying a flat surface of the skin layer, said one or more switches including a switch arm and being capable of engaging electrical connectors (Fig. 5, 40b, 40, 34b, also US 5,448,028, Fig. 2, item 34);

providing identifying marking on the skin to show where force may be applied to the skin to activate the skin (Fig. 1, item 20g, for example); and,

placing the vehicle interior trim panel into a vehicle (3:30-35), wherein upon application of a force the skin layer would deform to enable the switch arm to contact the electrical connectors (Fig. 5, 40b, 40, 34b, also US 5,448,028, Fig. 2, item 34).

Filion is silent to:

- (a) the skin contains a color
- (b) activating a laser, said laser emitting a laser beam
- (c) projecting said laser beam on to said outer skin surface in an area that overlies said one or more switches such that a portion of the outer skin surface contacted by said laser beam causes said skin layer color to bleach or whiten relative to a portion of said outer skin surface not contacted by said laser to create a marking to indicate where a force may be applied to deform said skin and actuate said one or more switches

.However, these aspects of the invention would have been obvious over Linzmeier.

Linzmeier teaches:

- (a) a polyurethane skin (3:25-30) which contains a color (pigment, abstract and 3:31-46)
- (b) activating a laser (implicit), said laser emitting a laser beam (3:51-63)

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(c) projecting said laser beam on to said outer skin surface such that a portion of the outer skin surface contacted by said laser beam causes said skin layer color to bleach or whiten relative to a portion of said outer skin surface not contacted by said laser to create a marking (4:22-23, 4:44-45).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Linzmeier into that of Filion because (a) Filion clearly suggests that marking is desirable (Fig. 1) and suggests the use of a thermoplastic polyurethane skin (US 5,448,028 at 3:10), and therefore Linzmeier provides that which Filion suggests, (b) Linzmeier clearly suggests this polyurethane material for use in the motor vehicle industry (3:66-4:1), thus suggesting it for use in the process of Filion, or (c) one of ordinary skill in the art would have recognized the material and marking process as substitutable alternatives for those already disclosed by Filion, and one could have easily replaced the Filion skin and marking process with those of Linzmeier.

Response to Arguments

3. Applicant's arguments filed 23 June 2008 have been fully considered but they are not persuasive or are moot in view of the new grounds of rejection above.

4. The arguments are on the grounds that a particular skin material distinct from that of Vorst is now claimed. However, in view of the Linzmeier reference above and its teaching to use a thermoplastic polyurethane material, also in combination with the suggestion to use a thermoplastic polyurethane at 3:10 of US 5,448,028, it is submitted that the claimed invention is obvious.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. DANIELS whose telephone number is (571)272-2450. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew J. Daniels/
Primary Examiner, Art Unit 1791
8/31/08